



DFW DAC

Renewed Petition under 37 CFR 1.137(a)

Applicant: Shin-Jen Shaio

Application No.: 10/554, 315

Filed Date: 10/24/2005

Sherry D. Brinkley

Attorney Docket

Petitions Examiner

Office of Petitions

Confirmation No.: None

To the Commissioner of Patents:

The applicant was notified in referring to the OFFICE OF PETITIONS concerning this application dated NOV 17 2010 in which the petition filed on September 29, 2010 to revive the above-identified application under unavoidable provisions of 37 CFR 1.137(a) was dismissed. Because, petition lacks item of a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition to 37 CFR 1.137(a) was unavoidable.

The applicant redo the petition, by stating the facts and reasons they concerned, to fell the providence to support a conclusion that the entire delay in filing the required reply unavoidable, and wishes courteously that The Petitions Examiner would allow this application revival.

Yours faithfully,

Shin-Jen Shaio

Dec. 8, 2010

Attachments:

- 1).Petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a)



DEC 17 2010

PTO/SB/61 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature

SHIN-JEN SHIAO,

Typed or printed name

November 29, 2010

Date

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

1). The applicant had given the former attorney an e-mail currently as shown following:

"Dear Johnson Chauncey:

I find the Status of application 10/554,315 is failure to respond to an Action and its Status Date is 06-19-2008. It is obviously that you had received the Action from USIPO before 06-19-2008 and did not take any Action properly nor give the applicant any information about it. This is very seriously that the abandon of the application was caused by you laterally and in the condition of unavoidably.

Now, you should take the responsibility to help me to revive the application. Please take by any means to show that you had failed to give me the information about the Action from USIPO by answer it by e-mail. I think that is the least obligation of an attorney should do.

Shin-Jen Shiao

Nov. 24, 2010"

But now this e-mail cannot be deliver to him noticed by postmaster. So that the applicant cannot gain his answer at all. It is true that the applicant can not do anything about it now.

2). The attorney, though after many times of correspondences by e-mails who only gave the applicant two answers as shown in following and detailed in petition filed on 08/17/2010, and the applicant had not agreed changing the attorney. In the record of USPTO the attorney still did not change that means neither the attorney nor the applicant did not make revocation of attorney till recently.

He should have the obligation to inform the applicant when he got any notice from USPTO, but he did not do that which made the unavoidable abandoned of this application.

3). The attorney's information is as follow:

The Attorney Docked No.: JA-SHIAO-US-1; Confirmation #: 2698; Attorney/Agent information: REG#46003; Name: Johnson, Chauncey; Address: 14625 Baltimore Avenue # 282, Laurel MD 20707; Phone: 301-483-3300.

4). As for a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37CFR 1.137(a) was unavoidable, may the applicant beg courteously the Petitions Examiner, give a help, to ask Chauncey Johnson, by the position of USPTO, to show the evidence of informing which had been given to the applicant when he received the Action from USPTO. In the condition that if he cannot show any evidence which he ever informed the applicant, it is to be the proof that the failure of Action was caused by him. That is the indirect method of evidence to support a conclusion that the entire delay in filing the required reply was unavoidable. Because a foreigner such as the applicant from Taiwan, he would not answer any question truly concerning this matter. But he should answer the question which makes by the Officer of USPTO. That is the last and the only possible way which could make sure to determine the fact of unavoidable for the applicant. Please give a favor, the applicant would much grateful to your special help .

Re: about filing patent application (Nov. 14, 2006) :

"Please send me your fax number and full address. You case has entered the national stage. Please find another attorney to continue your prosecution. Everything is find to date. Please send me your fax number

Re: Action for amending (Aug. 30, 2007):

"Please find another attorney. I am very very busy. Reply!"

(Please attach additional sheets if additional space is needed.)